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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/640,197	08/16/2000	William P. Davis	12152US01	3232

7590 03/18/2003

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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT PAPER NUMBER

3637

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/640,197

Applicant(s)
DAVIS

Examiner
James O. Hansen

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3637



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 9, 2003
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9, 11-13 & 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dhont et al., [U.S. Patent No. 5,397,237] in view of Robbins et al., [U.S. Patent No. 5,295,447]. Dhont (figures 1-6) teaches of a data protection device comprising: an enclosure (carrying case) having at least one wall (depicted in fig. 3) and a closable opening (depicted in fig. 5), the enclosure capable of protecting at least one data storage device (3) housed within the enclosure (case) from an environmental hazard; at least one electrical connector (38 & 5 for example) and at least one data transmitter (37 & 4 for example) within the enclosure, for providing power to the inside of the enclosure and a data link between the inside and outside of the enclosure respectively. The data storage device being continuously connected to a power source and a data source via the cables (fig. 1). Dhont teaches applicant's inventive claimed concept as disclosed above but does not specifically disclose the device as being a "fire-resistant" enclosure [It is noted that Dhont in figures 3 & 5 depicts various materials used to form the structure of the enclosure, but these materials are not expressly mentioned in the disclosure]. However, Robbins (figures 1-21) teaches of a "fire-resistant" safe (basically, a portable fire-

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resistant carrying case - see fig. 1) utilized for protecting contents located within the enclosure from a fire. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the materials used in the construction of Dhont's enclosure as taught by Robbins because the material arrangement [construction] of Robbins device would provide Dhont with fire-resistant properties that would safe guard any items located within the enclosure in the event of fire. As to claims 11-13 & 15-20, Dhont teaches applicant's basic inventive claimed concept as structurally disclosed above, but does not specifically state a "method" of protecting a data storage device. However, the normal use or assembly of Dhont's structure would inherently encompass the steps as set forth as readily apparent to the examiner.

3. Claims 10, 14 & 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dhont et al., in view of Robbins et al., and further in view of Applicant's Prior Art Admission [known hereafter as APAA] as disclosed on page 5, lines 20-23. The prior art teach applicant's basic inventive claimed concept as disclosed above, but do not show the at least one data transmitter as utilizing infrared technology. However, on page 5, lines 20-23, applicant has disclosed that an "infrared communications link, such as one well known in the art" may be substituted for the data cord. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to replace a material [physical] link [a cord for example] with an invisible [non-physical] link [a radio wave for example] since it was known in the art [common knowledge] that infrared transmission between a source and remote destination eliminates the conventional hard wiring normally required.

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4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. It is viewed that the rejections above adequately address applicant's remarks. It is further noted that Kikinis [U.S. Patent No. 5,623,597 - cited, but not applied against the claims] teaches applicant's inventive claimed concept, but does not show multiple connecting elements between the device and the power/data source.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

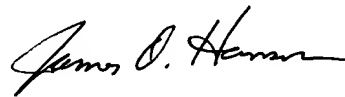
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 308-1113. **Fax numbers** for Official Papers are as follows:

Before Final (703) 872-9326 & After Final (703) 872-9327.

Any inquiry concerning this communication from the examiner should be directed to James O. Hansen whose telephone number is (703) 305-7414. Unofficial Papers can be faxed to the examiner directly via (703) 746-3659. Examiner Hansen can normally be reached Monday to Friday from 9:00 A.M. to 5:00 P.M. Eastern Time Zone.



James O. Hansen
Primary Examiner
Technology Center 3600

JOH
March 12, 2003